(3)

ANNO REGNI

CAROLI II. REGIS

Angliæ, Scotiæ, Franciæ, & Hiberniæ Decimo Tertio.

At the Parliament holden at *Weſtminſter* the 8th. of *May*, *Anno Dom.* 1661.

In the Thirteenth year of the Raign of our moſt Gracious Sovereign Lord CHARLES, By the Grace of God, of *England*, *Scotland*, *France* and *Ireland* King, Defender of the Faith, *&c.*

An Act for the Eſtabliſhing Articles and Orders for the regulating and better government of His Majeſties Navies, Ships of War, and Forces by Sea.

LONDON, Printed by order of the Principal Officers and Commiſſioners of His Majeſties Navy, 1661.

ANNO XIII. CAROLI II. Regis.

An Act for the establishing Articles and Orders for the Regulating and better Government of His Majesties Navies, Ships of War, and Forces by Sea.

FOr the Regulating and better Government of His Majesties Navies, Ships of War, and Forces by Sea; Wherein under the good Providence and Protection of God, the Wealth, Safety, and Strength of this Kingdome is so much concerned, Be it enacted by the Kings most Excellent Majesty, With the Advice and Consent of the Lords and Commons in this present Parliament assembled, and by the Autho-

rity thereof, That all and every the Arti=ticles and Orders in this Act mentioned, ſhall be duely and reſpectively put in Exe=cution, obſerved, and obeyed in manner hereafter mentioned.

I. THat all Commanders, Captains, and other Officers at Sea, ſhall cauſe the Publique Worſhip of Almighty God, according to the Liturgy of the Church of *England*, eſtabliſhed by Law, to be ſolemnly, orderly, and reverently performed in their reſpective Ships: And that Prayers and Preachings by the reſpective Chaplains, in holy Order, of the reſpective Ships, be performed diligently; and that the Lords-day be obſerved according to Law.

II. Every perſon and perſons in His Majeſties pay, uſing unlawfull and raſh Oathes, Curſings, Execrations, Drunkenneſs, Uncleanneſs, or other Scandalous Actions in derogation of GODS honour, and corruption of good manners, ſhall be puniſhed by Fine, Impriſonment, or otherwiſe, as the Court-Martiall ſhall think fit.

III. If any Officer, Mariner, Souldier, or other perſon in the Fleet, ſhall give, hold, or entertain Intelligence, to, or with any King, Prince, or State, being enemy to, or any perſons in Rebellion againſt His Majeſty, His Heirs and Succeſſors, without direction or leave from the Kings Majeſty, the Lord High-Admirall, Vice-Admirall, or Commander in chief of any Squadron, every ſuch perſon or perſons ſo offending, ſhall be puniſhed with death.

IV. If any Letter or Meſſage from any King, Foreign Prince, State,

State, or Potentate, being an enemy to the Kings Majeſty, His Heirs and Succeſſors, or on their behalf, be conveyed to any inferiour Officer, Mariner, or Souldier, or other in the Fleet, and the ſaid Officer, Mariner, Souldier, or other as aforeſaid, do not within twelve hours (having opportunity ſo to do) acquaint the ſuperiour Commander with it; or if a Superiour Officer or Mariner, being acquainted therewith by an Inferiour Officer, Mariner, or other, or himſelf in his own perſon, receiving a Letter or Meſſage from any ſuch Enemy or Rebell, and ſhall not in convenient time reveal the ſame to the Admiral, Vice-Admiral, or the Commander of the Squadron, every ſuch perſon ſhall be puniſhed with death, or ſuch other puniſhment as the Court-Martiall ſhall think fit.

V. No perſon or perſons of the Fleet ſhall relieve an Enemy or Rebell, in time of War, with Money, Victuals, Powder, Shot, Arms, Ammunition, or any other Supplies whatſoever, directly or indirectly, upon pain of death, or ſuch other puniſhment as the Court-Martial ſhall think fit to impoſe.

V I. All the Papers, Charter-Parties, Bills of Lading, Paſſports, and other Writings whatſoever, that ſhall be taken, ſeized, or found aboard any Ship or Ships which ſhall be ſurprized or ſeized as Prize, ſhall de duely preſerved, and not torn, nor made away, but the very Originals ſent up intirely, and without fraud, to the Court of Admiralty, or ſuch other Commiſſioners as ſhall be appointed for that purpoſe; there to be viewed, made uſe of, and proceeded upon according to Law, upon pain of loſs of all the ſharers of the Takers, and ſuch further puniſhment to be inflicted upon the Offenders therein, as the quality of their offence and miſdemeanor ſhall be found to deſerve, and the Court-Martiall ſhall impoſe.

VII. None

VII. None in His Majeſties pay ſhall take out of any Prize, or Ship, or Goods ſeized on for Prize, any Money, Plate, Goods, Lading or Tackle, before Judgement thereof firſt paſt in the Admiralty Court, but the full and entire accompt of the whole, without imbezlement, ſhall be brought in and Judgement paſt intirely upon the whole, without fraud, upon pain of ſuch puniſhment as ſhall be impoſed by a Court-Martiall, or the Court of Admiralty; excepting, That it ſhall be lawfull for all Captains, Seamen, Souldiers, and others, ſerving as aforeſaid, to take and to have to themſelves as Pillage, without further or other accompt to be given for the ſame, all ſuch Goods and Merchandizes (other then Armes, Ammunition, Tackle, Furniture, or Stores of ſuch Ship) as ſhall be found by them, or any of them in any Ship (they ſhall take in Fight or Prize) upon or above the Gun-deck of the ſaid Ship, and not otherwiſe.

VIII. None ſhall imbezle, ſteal, or take away any Cables, Anchors, Sails, or any of the Ships Furniture, or any of the Powder, or Arms, or Ammunition of the Ship, upon pain of death, or other puniſhment, as the quality of the offence ſhall be found by a Court-Martial to deſerve.

IX. If any Foreign Ship or Veſſel ſhall be taken as Prize, that ſhall not fight or make reſiſtance, that in that caſe, none of the Captains, Maſters, or Mariners, being Foreigners, ſhall be ſtripped of their Cloaths, or in any ſort pillaged, beaten, or evill entreated, upon pain, That the perſon or perſons ſo offending, ſhall forfeit double damages; but the ſaid Foreign Ships, and all the Goods ſo taken, ſhall be preſerved intire to receive Judgement in the Admiralty Court, according to right and Juſtice.

X. Every

X. Every Captain or Commander, who upon ſignall or order of fight, or view, or ſight of any Ships of the Enemy, Pirate, or Rebel, or likelihood of Engagement, ſhall not put all things in his Ship in a fit poſture for fight, and ſhall not in his own perſon, and according to his place, hearten and encourage the inferiour Officers and common men to fight couragiouſly, and not to behave themſelves faintly, ſhall be caſhiered: And if he or they ſhall yield to the Enemy, Pirate, or Rebels, or cry for quarter, he or they ſo doing ſhall ſuffer the pains of death, or ſuch other puniſhment as the offence ſhall deſerve.

XI. Every Captain, Commander, and other Officer, Seaman, or Souldier of any Ship, Frigot, or Veſſel of Warre, ſhall duly obſerve the Commands of the Admirall, or other his Superiour or Commander of any *Squadron*, as well for the Aſſailing or Setting upon any Fleet, Squadron, or Ships of the Enemy, Pirate, or Rebels, or joyning Battell with them, or making defence againſt them, as all other the Commands of the Admirall, or other his Superiour Commander, upon pain to ſuffer death, or other puniſhment, as the quality of his neglect or offence ſhall deſerve.

XII. Every Captain, and all other Officers, Mariners, and *Souldiers* of every *Ship*, Frigot, or Veſſel of War, that ſhall in time of any fight or engagement, withdraw or keep back, or not come into the fight and engage, and do his utmoſt, to take, fire, kill, and endamage the Enemy, Pirate, or Rebels; and aſſiſt, and relieve all and every of His Majeſties Ships, ſhall for ſuch offence of cowardize or diſaffection, be tried and ſuffer pains of death, or other puniſhment, as the circumſtances of the offence ſhall deſerve, and the Court-Martial ſhall judge fit.

XIII. The

XIII. The Captains, Officers, and Seamen of all Ships, appointed for Convoy and Guard of Merchants Ships, or any other, ſhall diligently attend upon that Charge without delay, according to their Inſtructions in that behalf; and whoſoever ſhall be faulty therein, and ſhall not faithfully perform the ſame, and defend the Ships and Goods in their Convoy, without either diverting to other parts or occaſions; or refuſing or neglecting to fight in their defence, if they be ſet upon, or aſſailed, or running away cowardly, and ſubmitting thoſe in their Convoy to hazard and peril, or ſhall demand and exact any Money, or other Reward from any Merchant or Maſter, for conveying of any ſuch Ships or other Veſſels belonging to his Majeſties Subjects, ſhall be condemned to make reparation of the damage to the Merchants, Owners and others, as the Court of Admiralty ſhall adjudge; and alſo be puniſhed criminally according to the quality of their offences, be it by pains of death or other puniſhment, according as ſhall be judged fit by the Court-Martial.

XIV. Whatſoever perſon or perſons, in, or belonging to the Fleet, either through cowardize, negligence, or diſaffection, ſhall forbear to purſue the chaſe of any Enemy, or Pirate, or Rebel beaten, or flying, or ſhall not relieve or aſſiſt a known friend in view, to the utmoſt of his power, ſhall be puniſhed with death or otherwiſe, as a Court-Martial ſhall find fit.

XV. When at any time, ſervice, or action ſhall be commanded, no man ſhall preſume to ſtop or put backward, or diſcourage the ſaid ſervice and action, by pretence of Arrears of Wages, or upon any pretence of Wages whatſoever, upon pain of death.

XVI.

XVI. All Sea-Captains, Officers and Seamen, that ſhall betray their Truſt, or turn to the Enemy, Pirate, or Rebels, and either run away with their *Ship* or any Ordnance, Ammunition, or Proviſion, to the weakning of the *Service*, or yield the ſame up to the Enemy, Pirate, or Rebels, ſhall be puniſhed with death.

XVII. All Sea-Captains, Officers, or Mariners, that ſhall deſert the Service or their Imployment in the Ships, or ſhall run away, or intice any others ſo to do, ſhall be puniſhed with death.

XVIII. All perſons whatſoever that ſhall come, or be found in the nature of Spies, to bring any ſeducing Letters or Meſſages from any Enemy or Rebel, or ſhall attempt or endeavour to corrupt any Captain, Officer, Mariner, or other of the Navy or Fleet, to betray his or their Truſt, and yield up any Ship or Ammunition, or turn to the Enemy or Rebel, ſhall be puniſhed with death.

XIX. No perſon in or belonging to the Fleet, ſhall utter words of Sedition or Mutiny, nor make or endeavour to make any Mutinous Aſſemblies upon any pretence whatſoever, upon pain of death.

XX. No perſon in or belonging to the Fleet, ſhall conceal any Traiterous or Mutinous practices, deſignes or words, or any words ſpoken by any to the prejudice of His Majeſty or Government, or any words, practices, or deſignes, tending to the hindrance of the *Service*, but ſhall forthwith reveal them to his *Superior*, that a meet proceeding may be had thereupon, upon pain of ſuch puniſhment as a Court-Martial ſhall find to be juſt.

XXI. None ſhall preſume to quarrel with his Superior Officer, upon pain of ſevere puniſhment, nor to ſtrike any ſuch upon pain of death, or otherwiſe, as a Court-Marſhal ſhall find the matter to deſerve.

XXII. If any of the Fleet find cauſe of Complaint of the unwholſomneſs of his Victuals, or upon other juſt ground, he ſhall quietly make the ſame known to his Superior, or Captain, or Commander in Chief, as the occaſion may deſerve, that ſuch preſent remedy may be had as the matter may require, and the ſaid Superior or Commander is to cauſe the ſame to be preſently remedied accordingly; but no perſon upon any ſuch or other pretence, ſhall privately attempt to ſtir up any diſturbance, upon pain of ſuch ſevere puniſhment as a Court-Marſhal ſhall find meet to inflict.

XXIII. None ſhall quarrel or fight in the Ship, nor uſe provoking or reproachful ſpeeches tending to make any quarrel or diſturbance, upon pain of Impriſonment, and ſuch other puniſhment as the offence ſhall deſerve, and the Court-Marſhal ſhall impoſe.

XXIV. That there be no waſtfull expence of any Powder, Shot, Ammunition, or other Stores in the Fleet, nor any imbezlement thereof, but that the Stores and Proviſions be carefully preſerved upon ſuch penalties by Fine, Impriſonment, or otherwiſe, upon the Offenders, Abetters, Buyers, and Receivers, as ſhall be by a Court-Marſhal found juſt in that behalf.

XXV. That care be taken in the Conducting and Steering of the Ships, that through wilfulneſs, negligence, or other defaults, none of His Majeſties Ships be ſtranded or run upon any

any Rocks or Sands, or ſplit, or hazarded, upon pain, that ſuch as ſhall be found guilty therein, be puniſhed by Fine, Impriſonment, or otherwiſe, as the offence by a Court-Marſhal ſhall be adjudged to deſerve.

XXVI. All perſons that ſhall willingly burn or ſet fire on any Ship, or Magazine, or Store of Powder, or Ship, Boat, Ketch, Hoy, or Veſſel, or Tackle, or Furniture thereto belonging, not appertaining to the Enemy or Rebel, ſhall be puniſhed with death.

XXVII. No man, in, or belonging to the Fleet, ſhall ſleep upon his Watch, or negligently perform the duty impoſed on him, or forſake his ſtation, upon pain of death, or other puniſhment as the circumſtances of the Caſe ſhall require.

XXVIII. All Murthers and wilful Killing of any Perſons in the Ship, ſhall be puniſhed with death.

XXIX. All Robbery and Theft committed by any perſon, in or belonging to the Fleet, ſhall be puniſhed with death, or otherwiſe, as the Court-Marſhal upon conſideration of the circumſtances ſhall find meet.

XXX. No Provoſt-Marſhal belonging to the Fleet, ſhall refuſe to receive or keep any Priſoner committed to his charge, nor ſuffer him to eſcape, being once in his cuſtody, nor diſmiſs him without order, upon pain of being lyable to the ſame puniſhment which ſhould have been inflicted upon the Party diſmiſſed, or permitted to eſcape, or ſuch other puniſhment as the Court-Marſhal ſhall think fit.

XXXI.

All Captains, Officers, and Seamen ſhall do their endeavours to detect, apprehend, and bring to puniſhment all offenders, and ſhall aſſiſt the Officers appointed for that purpoſe therein, upon pain to be proceeded againſt, and puniſhed by the Court-Marſhal at diſcretion.

XXXII.

If any perſon or perſons, in or belonging to the Fleet, ſhall commit the unnatural and deteſtable ſinne of Buggery or Sodomy with man or Beaſt, he ſhall be puniſhed with death without mercy.

XXXIII.

All other Faults, Miſdemeanors, and Diſorders committed at Sea, not mentioned in this Act, ſhall be puniſhed by the Laws and Cuſtoms in ſuch caſes uſed at *Sea*.

XXXIV.

And it is hereby further Enacted, That the Lord High-Admiral for the time being, ſhall by vertue of this Act have full power and authority, to grant Commiſſions to Inferiour Vice-Admirals, or Commander in chief of any Squadron of Ships, to call and aſſemble Court-Marſhals, conſiſting of Commander and Captains; and no Court-Marſhal where the pains of death ſhall be inflicted, ſhall conſiſt of leſs then five Captains at leaſt, the Admirals Lieutenant to be as to this purpoſe eſteemed as a Captain; and in no caſe wherein *Sentence* of Death ſhall

ſhall paſs by vertue of the Articles aforeſaid, or any of them (except in caſe of Mutiny) there ſhall he Execution of ſuch *Sentence* of Death, without the leave of the Lord High Admiral, if the offence be committed within the Narrow Seas: But in caſe any of the offences aforeſaid be committed in any Voyage beyond the Narrow Seas, whereupon Sentence of Death ſhall be given in purſuance of the aforeſaid Articles, or of any of them, then Execution ſhall not be done but by Order of the Commander in chief of that Fleet or Squadron wherein Sentence of Death was paſſed.

XXXV.

And be it further Enacted and Declared, That the Judge-Advocate of any Fleet, for the time being, ſhall have full power and authority to adminiſter an Oath to any perſon or witneſs in order to the Examination or Tryal of any of the offences aforeſaid; and in the abſence of a Judge-Advocate, the Court-Marſhal ſhall have full power and authority to appoint any perſon to adminiſter an Oath to the purpoſes aforeſaid.

PRovided alſo, and be it further Enacted by the Authority aforeſaid, That this Act or any thing or things therein contained, ſhall not in any manner of wiſe extend to give unto the Lord Admiral of *ENGLAND* for the time being, or to any his Vice-Admirals, Judge or Judges of the Admiralty, his or their Deputy or Deputies, or to any other the Officers or Miniſters of the Admiralty, or to any others having or claiming any Admiral Power, Jurisdiction, or Authority within this Realm and *WALES*, or any other the Kings Dominions, any other power, right, jurisdiction, preheminence, or

authority, then he or they, or any of them lawfully have, hath, or had, or ought to have and enjoy before the making of this Act, other then for such of the offences specified in the several *Articles* contained in this *Act*, as hereafter shall be done upon the main Sea, or in Ships or Vessels being, and hovering in the main Stream of great Rivers, onely beneath the Bridges of the same Rivers, nigh to the Sea, within the Jurisdiction of the Admiralty, and in none other places whatsoever, and committed onely by such persons, as shall be in actual Service and pay in His Majesties Fleet, or Ships of War.

FINIS.